

Introduced by Senator Aanestad

February 8, 2008

An act to amend Section 1687 of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 1178, as introduced, Aanestad. Dentistry: registered sex offenders.

Existing law, the Dental Practice Act, provides for the licensing and regulation of the practice of dentistry by the Dental Board of California, in the Department of Consumer Affairs, and authorizes the board to deny, revoke, or suspend a license for specified reasons. Existing law requires the board to deny an application for licensure, renewal, or reinstatement of, or to revoke, the license of an individual who is required to register as a sex offender under the law of this state, another state, or the military. Existing law specifies exceptions to this requirement, including any administrative adjudication fully adjudicated prior to January 1, 2008, as specified.

This bill would also apply these provisions to an individual who is required to register as a sex offender under federal law. The bill would delete the requirement with regard to renewal of a license and would specify that the board may reissue the individual's license, and may not issue a stay of a license revocation and place the license on probation or reinstate a license and issue a stay of the license denial and place the license on probation. The bill would also specify that a petition for reinstatement of a revoked or surrendered license is considered a proceeding for purposes of the exception related to administrative adjudications.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1687 of the Business and Professions Code is amended to read:

1687. (a) Notwithstanding any other provision of law, with regard to an individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory ~~or~~, under military law, *or under federal law*, the board shall be subject to the following requirements:

(1) The board shall deny an application by the individual for licensure pursuant to this chapter.

(2) If the individual is licensed under this chapter, the board shall revoke the license of the individual. *The board shall not stay the revocation and place the license on probation.*

(3) The board shall not ~~renew or~~ reinstate *or reissue* the individual's licensure under this chapter. *The board shall not reinstate a license under this section and issue a stay of license denial and place the license on probation.*

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that requires his or her registration as a sex offender.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code. However, nothing in this paragraph shall prohibit the board from exercising its discretion to discipline a licensee under other provisions of state law based upon the licensee's conviction under Section 314 of the Penal Code.

(3) Any administrative adjudication proceeding under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that is fully adjudicated prior to January 1, 2008. *A petition for reinstatement of a revoked or surrendered license shall be considered a proceeding for purposes of this paragraph, and the prohibition against reinstating a license*

1 *to an individual who is required to register as a sex offender shall*
2 *be applicable.*

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